

Received & Inspected

JAN 18 2011

FCC Mail Room

January 12, 2011

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Request for Review

RE: CC Docket No. 02-6 and CC Docket 96-45
Administrator's Decision on Appeal – Funding Year 2005-2006

Applicant Name: Fountain Fort Carson School District 8
Billed Entity Number: 142289
Form 471 Application Number: 481508
Funding Request Number: 1335868
USAC Correspondence Dated: December 21, 2010

This letter is an official request for the FCC to review the decision to rescind funding which had previously been approved for FRN 1335868 for the 2005-06 funding year by USAC.

The initial decision from USAC was dated November 12, 2010. The reason given for the decision was:

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. During the course of a review, documentation provided by you and/or your vendor indicated that there was not a fair and open competitive bidding process free from conflicts of interest. The documents provided by you and/or your service provider indicated that, prior to/throughout your contractual relationship with the service provider listed on the FRN, you were offered and accepted gifts, meals, gratuities, or entertainment from the service provider which resulted in a competitive process that was no longer fair and open. Therefore, the commitment has been rescinded in full and USAC will seek recovery of any disbursed funds from the applicant and service provider.

Fountain Fort Carson Appealed this decision on December 6, 2010 and USAC denied the appeal on December 21, 2010. In that document, USAC indicated that the district "failed to provide persuasive information to demonstrate that USAC erred in its decision to deny funding due to Fountain Fort Carson District 8 violation of the Schools and Libraries support mechanism competitive bidding rules."

During the process of information gathering which led up to the decision, the district asked USAC to provide specific information that they believed created this violation. Pina Portanova, sent the district a document (see attached copy, supporting doc.pdf) which she stated was all the information she had concerning the situation. (See attached copy of her email message, Pina Portanova Documentation.pdf) USAC did not ever share any other reasons for their decision to deny funding other than the "gifts, meals, gratuities, or entertainment" reason stated in the letter they sent.

No. of Copies rec'd 0
List A B C D E

Gifts

The documentation provided by USAC and Trillion showed the following:

March 1, 2005	Gift of Mug and T-Shirt	1 person	\$32.45
November 20, 2005	Giftcards	2 persons	\$50.00
November 20, 2005	Giftcard	1 person	\$50.00
December 18, 2006	Giftcard	2 persons	\$50.00
January, 5, 2007	Meal	2 persons	\$11.29

All gifts were listed as being given to an existing customer and did meet the State of Colorado guidelines. This is a total of \$193.74 given to 8 people over a period of just under two years., which is less than \$25 per person per year. It should also be noted that the school district was following the state approved policy regarding gifts, and therefore following appropriate competitive bidding processes after the award of the contract as well.

Everyone in the district is aware of the new rules about gifts and limits (6th report and order).

Time Line for FRN 1335868

01/20/2005	The form 470 related to this FRN was posted.
01/21/2005	The form 470 related to this FRN was certified.
02/17/2005	<u>5-Year Contract</u> for services awarded to Trillion
03/01/2005	1 st "gift" received from Trillion
07/13/2005	FRN 1335868 is funded
06/2009	The district is asked to provide information about gifts – nothing comes to mind
06/04/2010	Further questions from USAC
10/15/2010	District is told by USAC that several FRN's related to Trillion would be denied
11/12/2010	District receives Notification of Commitment Adjustment Letter
12/06/2010	District files appeal with USAC
12/21/2010	District receives notice that the appeal is denied

It was pointed out in the district's appeal to USAC , that no person in the district had received any gift during the competitive bidding process. In fact, the first "gift" was a shirt and mug given to Cheryl Walker (Assistant Superintendent at that time) more than a week after the contract was awarded. How could anyone in the district who was involved in the selection of Trillion as a service provider have predicted that any "gifts" would be given. There is no possible way that these reported "gifts" could have had any influence on the competitive bidding process. It is extremely difficult for the district to understand what they failed to show in their appeal. Based on the sequence of events, the district followed the competitive bidding process to the letter. If there are other reasons for the denial, why were they not brought forward for discussion?

Along with this letter we have included the following documents for clarification of the persons responsible to review this request:

Copy of the documentation from USAC provided to the district by Paula Portanova from USAC

Copy of e-mail from Paula Portanova stating that the documentation is complete

Copy of Notification of Commitment Adjustment Letter

Copy of District Appeal

Copy of Administrator's Decision on Appeal

Letter of Agency for Etechco, Inc.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Van Sickle". The signature is written in a cursive, flowing style.

Richard Van Sickle

Consultant for Fountain Fort Carson School District 8

Roudebush, Dave

From: Jennifer Carter [jennifer.carter@trillion.net]
Sent: Wednesday, November 19, 2008 7:08 AM
To: Rick Van Sickle; Roudebush, Dave
Subject: RE: 470 draft for Trillion WAN

Looks good, Rick.

Jennifer Carter
E-Rate Specialist
Trillion
www.trillion.net
205.383.4396 Direct
512.334.4100 Main
512.684.1148 Fax

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- Integrity & Ethics
- Professionalism & Respect
- Customer Driven
- Having Fun!

From: Rick Van Sickle [mailto:etechco@comcast.net]
Sent: Tuesday, November 18, 2008 3:22 PM
To: Jennifer Carter; 'Roudebush, Dave'
Subject: 470 draft for Trillion WAN

- Attached is a draft of the 470 for the WAN. Please look it over and let me know if anything needs to be added. The RFP will be a one page document describing what is currently in place, and the changes to the radios that you are asking for. That way all prospective bidders will be aware that there is a current contract in place.

Rick Van Sickle
ETECHCO, INC.
10 E. Jefferson St.
Colorado Springs, CO 80907

PH: 719-216-2012
FAX: 501-637-5162
etechco@comcast.net
<http://etechco.net>

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Roudebush, Dave

From: Sadie Walley [sadie.walley@trillion.net]
Sent: Thursday, May 08, 2008 7:10 AM
To: Roudebush, Dave
Subject: RE: Save the Date! Trillion Visionaries in Education Customer Council
Attachments: image001.jpg

I heard the same comment from Harrison and am really disappointed about the conflict. I know the event date debate went on for a couple of weeks due to many factors. No info has filtered down to me yet re: TIE, but I will ask the question. I am really sorry if that will preclude you from attending in Austin.

BTW - I passed your lovely lady story on to some of my associates in our home office. All the names were changed to protect the innocent. =) Funny stuff! You put a few smiles on some faces this AM.

Sadie Walley
Regional Manager
Trillion
www.trillion.net
303.635.6322 - Business
303.815.2635 - Mobile
641.354.2175 - eFax
sadie.walley@trillion.net

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- ▲ *Professionalism & Respect*
- ▲ *Customer Driven*
- ▲ *Having Fun*

From: Roudebush, Dave [mailto:DRoud@FFC8.org]
Sent: Thursday, May 08, 2008 7:04 AM
To: Sadie Walley
Subject: RE: Save the Date! Trillion Visionaries in Education Customer Council

Sadie,

Those dates are concurrent with the Colorado TIE conference. Was Trillion not going to have a presence there?

David C. Roudebush, Ph.D.
Assistant Superintendent
Fountain-Fort Carson S.D. 8

10665 Jimmy Camp
Fountain, CO 80817
W: 719.382.1310

From: Sadie Walley [mailto:sadie.walley@trillion.net]
Sent: Wednesday, May 07, 2008 7:10 PM
To: Roudebush, Dave
Cc: Gary Gaessler
Subject: Save the Date! Trillion Visionaries in Education Customer Council

We hope you will be available to attend!!

Save the Date!
Trillion invites you to join us for the
2008 Visionaries in Education
(Customer Council)

June 24th – 25th (1/2 day on 25th)
Special Dinner Tuesday Evening

Stay tuned for an agenda and travel logistic information!
Travel expenses will be reimbursed by Trillion.
Please reply to this email to RSVP or call Renaye at 512-334-4076!

We look forward to seeing you in Austin!

Renaye Thornborrow
Vice President of Marketing

Trillion Partners, Inc.
www.trillion.net
Phone: 512-334-4076
Fax: 512-334-4099

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Visionaries in Technology Education (VTEC) Vision Quest 2008

Tuesday, June 24th - 8:00am to
Wednesday, June 25th - 8:00am

If permitted by your district, Trillion will reimburse hotel & food expenses.

1. If flying, please book your own flight & send us your reimbursement. (If possible, please try to book a \$400). Shuttle or rental car expenses from the airport will be reimbursed.
2. If driving, please note your round trip mileage to the details so we may reimburse you.
3. Hotel: we will make your hotel reservations at the Towne Suites Arboretum, so no cash outlay will be VTEC participants.
4. Food: all meals during VTEC will be provided by Trillion.
5. Reimbursement: send your receipts in and/or turn them in as soon as you arrive so we can immediately process your reimbursement.

RSVP by replying to this email
or call Barbara E. Santos at 512.334.4095

Barbara

Barbara E. Santos
Director of Relationship Management

Trillion Partners, Inc.
www.trillion.net

512.334.4095 (direct)
512.684.1116 fax
barbara.santos@trillion.net

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Gould, Leisha

From: Roudebush, Dave
Sent: Thursday, June 05, 2008 8:03 AM
To: Sadle Walley
Cc: Neffsinger, Gary; Gould, Leisha
Subject: Trillion Advisory Panel

Sadle,

I'm sorry it has taken so long to get back with you. I am not going to be able to attend, but Leisha Gould has interest in attending in my place. She will contact you to discuss this in greater detail.

David C. Roudebush, Ph.D.
Assistant Superintendent
Fountain-Fort Carson S.D. 8

10665 Jimmy Camp
Fountain, CO 80817
W-719.382.1310

Gould, Leisha

From: Sadie Walley (sadie.walley@trillion.net)
Sent: Tuesday, June 10, 2008 4:08 PM
To: Roudebush, Dave; Gould, Leisha
Cc: Gary Gaessler; Robert Forman; Erik Helmeier
Subject: The Delay

Erik just sent Gary and me a note about the delay of delivery for the 100 Mbps. I am sincerely sorry about the news. Erik has a very strong and professional relationship with Qwest and is able to leverage that relationship to expedite most processes. I am sure he is doing and will continue to do everything he can to move this project along as quickly as possible.

I am very sorry.

Sadie Walley
Regional Manager
Trillion
www.trillion.net
303.635.6322 - Business
303.815.2635 - Mobile
641.354.2175 - eFax
sadie.walley@trillion.net

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Expense Summary

P:\Selective\Selective Reviews 2010\Triton\Triton CD Info\Full Response and Data Triton\0.3 Customer Data\Data - Low Complexity\Fountain FR110, Fountain Fr - 2.7.07\Expense Summary

Reference #	Category	Description	Customer	Status	Date	Gross Receipt Amount	Customer Attendees	\$ per Cust. Attendee	Total \$ to Customer	Customer State	Contract Ref #	State Compliance	Notes
784a	Gratuity	Customer Gift - U.T.T-Shirt and mug	FOUNTAIN-FT CARSON SCH DIST 8	Existing Customer	3/1/2005	\$32.45	Unknown	\$32.45	\$32.45	CO	110	Yes	
877	Gratuity	Christmas Gift Cards, Restaurant - \$25ea.	FOUNTAIN-FT CARSON SCH DIST 8	Existing Customer	11/20/2005	\$50.00	2	\$25.00	\$50.00	CO	110	Yes	
877	Gratuity	Christmas Gift Cards, Restaurant - \$50ea.	FOUNTAIN-FT CARSON SCH DIST 8	Existing Customer	11/20/2005	\$50.00	1	\$50.00	\$50.00	CO	110	Yes	
121	Gratuity	Christmas Gift Cards, Target - \$25ea.	FOUNTAIN-FT CARSON SCH DIST 8	Existing Customer	12/18/2006	\$325.00	2	\$25.00	\$50.00	CO	110	Yes	
244	Meal/Entertainment	Business Lunch with Customer	FOUNTAIN-FT CARSON SCH DIST 8	Existing Customer	1/5/2007	\$20.93	2	\$5.64	\$11.29	CO	110	Yes	

121



LOMETREE - 303-209-1851
12/18/2000 04:09 PM
RECEIPT EXPIRES ON 03/18/07



A receipt dated within 90 days is
required for ALL returns & exchanges.
Giving a gift? Include a gift receipt!

790010821	GIFT CARDS	N	25.00
	041-203-831-243-978		
	NEW BAL: 25.00		
790010832	GIFT CARDS	N	25.00
	041-204-000-236-052		
	NEW BAL: 25.00		
790010840	GIFT CARDS	N	25.00
	041-204-281-987-990		
	NEW BAL: 25.00		
790010923	GIFT CARDS	N	25.00
	041-204-234-038-452		
	NEW BAL: 25.00		
790010730	GIFT CARDS	N	25.00
	041-204-251-211-695		
	NEW BAL: 25.00		
790010856	GIFT CARDS	N	25.00
	041-204-069-406-699		
	NEW BAL: 25.00		
790010821	GIFT CARDS	N	25.00
	041-203-831-206-520		
	NEW BAL: 25.00		
790010821	GIFT CARDS	N	25.00
	041-203-831-246-724		
	NEW BAL: 25.00		
790010855	GIFT CARDS	N	25.00
	041-204-123-933-193		
	NEW BAL: 25.00		
790010738	GIFT CARDS	N	25.00
	041-204-351-211-696		
	NEW BAL: 25.00		
790010833	GIFT CARDS	N	25.00
	041-204-234-069-921		
	NEW BAL: 25.00		
790010834	GIFT CARDS	N	25.00
	041-204-047-283-285		
	NEW BAL: 25.00		
790010832	GIFT CARDS	N	25.00
	041-203-869-465-231		
	NEW BAL: 25.00		

SUBTOTAL 325.00
NO TAX 0.00
TOTAL 325.00

*6870 MASTERCARD CHARGE 325.00

RECEIPT ID# 2-0352-2023-0082-2486-0

THRU 12/18/2000
VISA 750-257-135

Save ALL Receipts
Give Gift Receipts & Gift Cards
Ask about Receipt LookUp

Gift
Cards

For

Christmas

Xmas

Lewis & Clark

Elaborate

Charm

Love & Trust

Charm

244

Bear Poth

W/ AL GREEN

LARRY GREEN



Rock Bottom Brewery
Colorado Springs #1028
3316 Cinea Point
Colorado Springs, CO
719-550-3585

Server: JOSH
03:54 PM
Table 61/1

DOB: 01/05/
01/05/
8/81

AMEX
Card XXXXXXXXXX7005
Magnetic card present:
Approval: 541483

1041

Amount: \$
+ Tip: \$
= Total: \$20.32

X
Approval: 541483

Guest Copy

784

T. Carson

Cheryl Walker
UT Gift

NEWS & GIFT SHOPS INTERNATIONAL

AUSTIN BERGSTROM AIRPORT

STARS OF AUSTIN, # 201

512-530-3001

TH627898 Cus#201

Mar 31 05

KP

Rq#290 Dr#292 Time 06:59

Number	Qty	Price	Ext
--------	-----	-------	-----

	1	21.99	21.99
--	---	-------	-------

LL DRNG ADLT TSH

	1	7.99	7.99
--	---	------	------

NGHORN MUG

total			29.98
-------	--	--	-------

2.47

sale			32.45
------	--	--	-------

/VISA			32.45
-------	--	--	-------

*****9832

ste 0208 Auth:030130



GITS CUSTOMER
✓ Steve E.

Texas Road
11265

✓ Al Gue

Parker
303-601-1110

Server: PH RETAIL 12/10/2009
ac/1
Guest: 0
Area: ToGo/Detail

✓ Floyd B. King

New Card 4350.00 ✓ Gary W. Miller

XXXXXXXXXXXX1236

12/10/2009

001 40340

000 000

XXXXXXXXXX

0000000000000000

00000000

00000000

XXXXXXXXXX1236

12/10/2009

001 40340

✓ ~~Steve~~
✓ ~~Steve~~

✓ ~~Steve~~
✓ ~~Steve~~

00000000

250.00

00000000

00000000

✓ DAVE
✓ ~~Steve~~

250.00

0.00

877

200

0.00

Rick Van Sickle

From: Portanova, Pina [PPORTAN@sl.universalservice.org]
Sent: Friday, October 22, 2010 11:40 AM
To: Rick Van Sickle; Roudebush, Dave
Cc: Kelly Dude
Subject: RE: Response to Denial of FRN

This is the all the documentation we have relating to the gifts scenario.

From: Rick Van Sickle [mailto:etechco@comcast.net]
Sent: Friday, October 22, 2010 10:05 AM
To: Portanova, Pina; 'Roudebush, Dave'
Cc: 'Kelly Dude'
Subject: RE: Response to Denial of FRN

Ms. Portanova,

I noticed that all of the documentation you provided concerning "gifts" was dated on March 1, 2005 or later. The contract with Trillion was signed on February 17, 2005. Please provide the documentation for "gifts" received prior to the contract that you used to determine that the bidding process was not fair.

Rick Van Sickle
ETECHCO, INC.
10 E. Jefferson St.
Colorado Springs, CO 80907

PH: 719-216-2012
FAX: 501-637-5162
etechco@comcast.net
<http://etechco.net>

From: Portanova, Pina [mailto:PPORTAN@sl.universalservice.org]
Sent: Thursday, October 21, 2010 3:48 PM
To: Roudebush, Dave
Cc: Rick Van Sickle; Kelly Dude
Subject: RE: Response to Denial of FRN

Mr. Roudebush-

I received your response today. The attached documentation should assist you in understanding the issues noted in my last request to you. Trillion also provided us an expense statement which shows the gifts and their values. You can review this documentation and if you choose provide a revised response. Since you just received this documentation today, we can start the 7 day response time from today.

Let me know if you have any questions.
Thank you
Pina Portanova
973-581-5016

From: Roudebush, Dave [mailto:DRoud@FFC8.org]
Sent: Thursday, October 21, 2010 4:56 PM
To: Portanova, Pina
Cc: Rick Van Sickle; Kelly Dude
Subject: Response to Denial of FRN

Ms. Portanova,

Attached, please find Fountain-Fort Carson School District Eight's response to the recommended denial of FRN funding. I look forward to your response.

*David C. Roudebush, Ph.D.
Fountain-Fort Carson S.D. 8
Asst. Superintendent
Academic Support Services*

Office (719) 382-1310
Fax (719) 382-7338
Cell (719) 492-7964

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Schools and Libraries Division

Notification of Commitment Adjustment Letter

Funding Year 2005: July 1, 2005 - June 30, 2006

November 12, 2010

cheryl walker

FOUNTAIN-FT CARSON SCH DIST 8

425 W ALABAMA AVE

FOUNTAIN, CO 80817 1703

Re: Form 471 Application Number:	481508
Funding Year:	2005
Applicant's Form Identifier:	wireless
Billed Entity Number:	142289
FCC Registration Number:	0013708243
SPIN:	143025872
Service Provider Name:	Trillion Partners, Inc
Service Provider Contact Person:	Virginia Bryant

Our routine review of Schools and Libraries Program (Program) funding commitments has revealed certain applications where funds were committed in violation of Program rules.

In order to be sure that no funds are used in violation of Program rules, the Universal Service Administrative Company (USAC) must now adjust your overall funding commitment. The purpose of this letter is to make the required adjustments to your funding commitment, and to give you an opportunity to appeal this decision. USAC has determined the applicant is responsible for all or some of the violations. Therefore, the applicant is responsible to repay all or some of the funds disbursed in error (if any).

This is NOT a bill. If recovery of disbursed funds is required, the next step in the recovery process is for USAC to issue you a Demand Payment Letter. The balance of the debt will be due within 30 days of that letter. Failure to pay the debt within 30 days from the date of the Demand Payment Letter could result in interest, late payment fees, administrative charges and implementation of the "Red Light Rule." The FCC's Red Light Rule requires USAC to dismiss pending FCC Form 471 applications if the entity responsible for paying the outstanding debt has not paid the debt, or otherwise made satisfactory arrangements to pay the debt within 30 days of the notice provided by USAC. For more information on the Red Light Rule, please see "Red Light Frequently Asked Questions (FAQs)" posted on the FCC website at http://www.fcc.gov/debt_collection/faq.html.

TO APPEAL THIS DECISION:

You have the option of filing an appeal with USAC or directly with the Federal Communications Commission (FCC).

If you wish to appeal the Commitment Adjustment Decision indicated in this letter to USAC your appeal must be received or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and email address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify the date of the Notification of Commitment Adjustment Letter and the Funding Request Number(s) (FRN) you are appealing. Your letter of appeal must include the
 - Billed Entity Name,
 - Form 471 Application Number,
 - Billed Entity Number, and
 - FCC Registration Number (FCC RN) from the top of your letter.
3. When explaining your appeal, copy the language or text from the Notification of Commitment Adjustment Letter that is the subject of your appeal to allow USAC to more readily understand your appeal and respond appropriately. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal including any correspondence and documentation.
4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are a service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

To submit your appeal to us on paper, send your appeal to:

Letter of Appeal
Schools and Libraries Division - Correspondence Unit
100 S. Jefferson Rd.
P. O. Box 902
Whippany, NJ 07981

For more information on submitting an appeal to USAC, please see the "Appeals Procedure" posted on our website.

If you wish to appeal a decision in this letter to the FCC, you should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted on our website. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

FUNDING COMMITMENT ADJUSTMENT REPORT

On the pages following this letter, we have provided a Funding Commitment Adjustment Report (Report) for the Form 471 application cited above. The enclosed Report includes the Funding Request Number(s) from your application for which adjustments are necessary. See the "Guide to USAC Letter Reports" posted at <http://usac.org/sl/tools/reference/guide-usac-letter-reports.aspx> for more information on each of the fields in the Report. USAC is also sending this information to your service provider(s) for informational purposes. If USAC has determined the service provider is also responsible for any rule violation on the FRN(s), a separate letter will be sent to the service provider detailing the necessary service provider action.

Note that if the Funds Disbursed to Date amount is less than the Adjusted Funding Commitment amount, USAC will continue to process properly filed invoices up to the Adjusted Funding Commitment amount. Review the Funding Commitment Adjustment Explanation in the attached Report for an explanation of the reduction to the commitment(s). Please ensure that any invoices that you or your service provider(s) submits to USAC are consistent with Program rules as indicated in the Funding Commitment Adjustment Explanation. If the Funds Disbursed to Date amount exceeds your Adjusted Funding Commitment amount, USAC will have to recover some or all of the disbursed funds. The Report explains the exact amount (if any) the applicant is responsible for repaying.

Schools and Libraries Division
Universal Services Administrative Company

cc: Virginia Bryant
Trillion Partners, Inc

**Funding Commitment Adjustment Report for
Form 471 Application Number: 481506**

Funding Request Number:	1335868
Services Ordered:	INTERNET ACCESS
SPIN:	143025872
Service Provider Name:	Trillion Partners, Inc
Contract Number:	n/a
Billing Account Number:	n/a
Site Identifier:	142289
Original Funding Commitment:	\$92,750.40
Commitment Adjustment Amount:	\$92,750.40
Adjusted Funding Commitment:	\$0.00
Funds Disbursed to Date	\$56,165.52
Funds to be Recovered from Applicant:	\$56,165.52

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. During the course of a review, documentation provided by you and/or your vendor indicated that there was not a fair and open competitive bid process free from conflicts of interest. The documents provided by you and/or your service provider indicated that, prior to/throughout your contractual relationship with the service provider listed on the FRN, you were offered and accepted gifts, meals, gratuities, or entertainment from the service provider, which resulted in a competitive process that was no longer fair and open. Therefore, the commitment has been rescinded in full and USAC will seek recovery of any disbursed funds from the applicant and service provider.

December 6, 2010

Letter of Appeal

Schools and Libraries Division – Correspondence Unit

100 S. Jefferson Road

P.O. Box 902

Whippany, NJ 07981

This is an official letter of appeal of the Notification of Commitment Adjustment Letter which was dated on November 12, 2010. This letter rescinded funding from funding year 2005 for FRN 1335868.

Billed Entity Name – Fountain Fort Carson School District 8

Form 471 Application Number – 481508

Billed Entity Number – 142289

FCC Registration Number – 0013708243

In the decision from USAC the following reason was given for the decision to rescind funding:

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. During the course of a review, documentation provided by you and/or your vendor indicated that there was not a fair and open competitive bidding process free from conflicts of interest. The documents provided by you and/or your service provider indicated that, prior to/throughout your contractual relationship with the service provider listed on the FRN, you were offered and accepted gifts, meals, gratuities, or entertainment from the service provider which resulted in a competitive process that was no longer fair and open. Therefore, the commitment has been rescinded in full and USAC will seek recovery of any disbursed funds from the applicant and service provider.

Explanation of Appeal

At the request of the school district, documentation was provided to Fountain Fort Carson from Pina Portanova (see attached) concerning the gifts, meals, gratuities, or entertainment district employees received as reported by the service provider. The documentation from Trillion indicates that they provided a total of 8 gifts to the district between March 1, 2005 and January 5, 2007. The 5 year contract for services with Trillion was signed on February 17, 2005 which is prior to the date that any gratuities were provided to the district. It would be impossible for anyone to conclude that these had any influence on the selection process for this FRN or in any way tainted the competitive bidding process. No one could have predicted in February that the service provider would provide the various gift cards over the next two years.

Sincerely,

Richard Van Sickle

Consultant for Fountain Fort Carson School District

10 E. Jefferson Street

Colorado Springs, CO 80907

719-216-2012

etechco@comcast.net



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2005-2006

December 21, 2010

Richard Van Sickle
ETECHCO, INC.
10 E. Jefferson Street
Colorado Springs, CO 80907

Re: Applicant Name: FOUNTAIN-FT CARSON SCH DIST 8
Billed Entity Number: 142289
Form 471 Application Number: 481508
Funding Request Number(s): 1335868
Your Correspondence Dated: December 06, 2010

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2005 Commitment Adjustment Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1335868
Decision on Appeal: **Denied**
Explanation:

- USAC rescinded the funds committed because after a thorough investigation, it was determined that documentation provided by you and/or your vendor indicated that there was not a fair and open competitive bid process free from conflicts of interest. The documents provided by you and/or your service provider indicated that, prior to/throughout your contractual relationship with the service provider listed on the FRN, applicant was offered and accepted gifts, meals, gratuities, or entertainment from the service provider, which resulted in a competitive process that was no longer fair and open. Therefore, the commitment was rescinded in full and USAC will seek recovery of any disbursed funds from the applicant and service provider. On appeal, you have failed to provide persuasive information to demonstrate that USAC erred in its decision to deny funding due to Fountain Fort Carson School District 8 violation of the Schools and Libraries support mechanism competitive bidding rules. The appeal is denied.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

cc: Cheryl Walker

**E-Rate Consultant Letter of Agency
Fiscal Year 2010 – 2011**

To Whom It May Concern:

Fountain Fort Carson School District 8 (hereinafter, *Applicant*) hereby authorizes ETECHCO, INC. and its authorized representatives (hereinafter, *Consultant*) to discuss, prepare, and submit all appropriate E-rate forms and to interact with the Schools and Libraries Division of the Universal Service Administrative Company on its behalf. This agreement is valid for any E-Rate related task that occurs while this agreement is in force, regardless of E-Rate funding cycle. This letter of agency shall remain effective through 6/30/2011 unless superseded or terminated sooner, with thirty written days notice, by either party.

This letter of agency authorizes Consultant to interact with the Schools and Libraries Division of the Universal Service Administrative Company, as well as eligible service providers, on behalf of Applicant. It authorizes all necessary and appropriate E-Rate application activities (such as Solicitation of bids from prospective service providers) for the Funding Year described above, as well as follow-up actions, as needed, relating to the prior two Funding Years. It authorizes preparation and submission of all appropriate forms (470, 471, 486, 472, 500, Letters of Appeal, and so on), and correspondence with Program Integrity Assurance (PIA) and SLD audit personnel. It applies to all categories of service (Telecommunications, Internet Access, Internal Connections, and Basic Maintenance of Internal Connections) that are eligible for the E-Rate discount program.

In preparing application materials and other responses on behalf of Applicant, it is understood that Consultant shall necessarily rely on the accuracy of all relevant information provided by Applicant (including the Applicant's employees, contractors, service providers, and other authorized representatives) including, but not limited to: enrollment data, free reduced lunch eligibility, service provider agreements, compliance with the Child Internet Protection Act (CIPA) and local competitive bidding regulations and practices. Consultant agrees to exercise reasonable diligence in documenting and verifying such information. It is further understood that the responsibility for E-Rate document certifications and for the veracity of certification statements remains with Applicant, regardless of the method used to certify such statements (such as paper signatures versus electronic submission using a PIN).

Applicant understands that, in submitting E-Rate forms on its behalf, Consultant is being authorized and directed to make certain material certifications on behalf of Applicant.

In executing this Letter of Agency, the authorized signer for Applicant, whose name and title appear below, hereby makes the following certifications:

(a) I certify that Applicant's school(s) is/are all schools under the statutory definitions of elementary and secondary schools found in the No Child Left Behind Act of 2001, 20 U.S.C. §§ 7801, (18) and (38); that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million dollars.

(b) I certify that Applicant's schools has/have secured access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity, necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that to the extent that the Applicant is passing through the non-discounted charges for the E-Rate services requested in conjunction with this Letter of Agency, that the entities represented by Applicant have secured access to all of the resources to pay the non-discounted charges for eligible services from funds to which access has been secured in the current funding year.

(c) I certify that our school(s) is/are covered by a technology plan(s) that is/are written, that covers all 12 months of the funding year, and that had/have been or will be approved by a state or other authorized body, or an SLD-certified technology plan approver, prior to the commencement of service. The plan(s) is/are written at the following level(s):

☐ an individual technology plan for using the services requested in this application; and/or
☒ a higher-level technology plan(s) for using the services requested in this application; or
☐ no technology plan needed; applying for basic local, cellular, PCS, and/or long distance telephone service and/or voice mail only.

(d) I certify that the services the school, library or district purchases at discounts provided by 47 U.S.C. § 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value, except as permitted by the rules of the Federal Communications Commission (Commission or FCC) at 47 C.F.R. § 54.500 (et seq.).

(e) I certify that our school(s) had/have complied with, and will continue to comply with, all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.

(f) I acknowledge that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of benefits from those services.

(g) I certify that I will retain required documents for a period of at least five years after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts, and that if audited, I will make such records available to the Administrator. I acknowledge that I may be audited pursuant to participation in the schools and libraries program. I acknowledge that the Consultant's good faith efforts to maintain electronic archival backup copies of such records shall not in any way reduce the Applicant's obligation to maintain its own records.

(h) I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies) covered by this Letter of Agency. I certify that I am authorized to make this request on behalf of the eligible entity(ies) covered by this Letter of Agency, that I have examined this Letter, that all of the information on this Letter is true and correct to the best of my knowledge, that the entities that will be receiving discounted services under this Letter pursuant to this application have complied with the terms, conditions and purposes of the program, that no kickbacks were paid to anyone and that false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001 and civil violations of the False Claims Act.

(i) I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program. I will institute reasonable measures to be informed, and will notify USAC should I be informed or become aware that I or any of the entities, or any person associated in any way with my entity and/or the entities, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.

(j) I certify, on behalf of the entities covered by this Letter of Agency, that any funding requests for internal connections services, except basic maintenance services, applied for in the resulting FCC Form 471 application are not in violation of the Commission requirement that eligible entities are not eligible for such support more than twice every five funding years beginning with Funding Year 2005 as required by the Commission's rules at 47 C.F.R. 54.506Cc).

(k) I certify that, to the best of my knowledge, the non-discount portion of the costs for eligible services will not be paid by the service provider. I acknowledge that the provision, by the provider of a supported service, of free services or products unrelated to the supported service or product constitutes a rebate of some or all of the cost of the supported services.

(l) I certify that Consultant is authorized to perform electronic certification of forms on behalf of Applicant, upon being provided with Applicant's PIN number, and that I understand that such authorized electronic certification shall be interpreted as legally equivalent to my own hand-written signature on a paper form.

(m) I certify that I am authorized to sign this Letter of Agency and, to the best of my knowledge, information, and belief, all information provided to Consultant for E-rate submission is true.

Consultant

Authorized Signature

Printed Name

Title:

Date:

ETECHCO, INC.



Richard Van Sickle

President

May 22, 2010

Applicant

Authorized Signature

Printed Name

Title:

Date:

Fountain Fort Carson School District 8



David C. Boudreau

ASST. Supt.

5/21/10